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MEETING

STATE OF CALIFORNIA

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

STRATEGIC POLICY DEVELOPMENT COMMITTEE

JOE SERNA JR./CalEPA HEADQUARTERS BUILDING

1001 I STREET

COASTAL HEARING ROOM

SACRAMENTO, CA

TUESDAY, JANUARY 13, 2009

10:06 A.M.

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LICENSE NUMBER 13196

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Margo Reid Brown, Chair

Ms. Sheila Kuehl

Mr. John Laird

Ms. Carole Migden

Ms. Rosalie Mule

Mr. Gary Petersen

STAFF

Ms. Kristen Garner, Executive Assistant

Mr. Mark Leary, Executive Director

Mr. Elliot Block, Chief Counsel

Ms. Mindy Fox, Assistant Director, Office of
Education and the Environment

Mr. Howard Levenson, Program Director, Sustainability
Programs

Mr. Ted Rauh, Program Director, Waste Compliance and
Mitigation

ALSO PRESENT

Mr. George Eowan, California Refuse Recycling Council

Mr. George Larson

Mr. Evan Edgar, California Refuse Recycling Council

Mr. Nick Lapis, Californians Against Waste

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

1 P R O C E E D I N G S

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3 CHAIRPERSON BROWN: Good morning. Welcome,
4 everybody, to the January 13th meeting of the
5 California Integrated Waste Management Board Strategic
6 Policy Development Committee. Thank you for joining
7 us.

8 Just as a reminder to those in the audience,
9 please turn off your cellphones or pagers or put them
10 in the vibrate mode. There are agendas on the back
11 table. If anyone would like to speak to any of the
12 items on the agenda today, Kristen will be happy to
13 take your speaker slip.

14 Do any members have any ex partes to report?

15 (No response)

16 CHAIRPERSON BROWN: Kristen, can you call the
17 roll?

18 EXECUTIVE ASSISTANT GARNER: Kuehl?

19 COMMITTEE MEMBER KUEHL: Here.

20 EXECUTIVE ASSISTANT GARNER: Laird?

21 COMMITTEE MEMBER LAIRD: Here.

22 EXECUTIVE ASSISTANT GARNER: Mule?

23 COMMITTEE MEMBER MULE: Here.

24 EXECUTIVE ASSISTANT GARNER: Petersen?

25 COMMITTEE MEMBER PETERSEN: Here.

1 EXECUTIVE ASSISTANT GARNER: Brown?

2 CHAIRPERSON BROWN: Here. And Senator Migden
3 will be joining us shortly.

4 I did want to make a quick announcement, and
5 then we'll reannounce it at our Board meeting. But we
6 have made committee selections for the upcoming 2009
7 year.

8 And for the Permitting and Compliance
9 Committee, Rosalie Mule will be the Chair, and Member
10 Kuehl and myself will be members of the Permitting and
11 Compliance Committee.

12 And this committee, obviously, is a committee
13 of the whole so every member will remain on this
14 committee.

15 The Market Development and Sustainability
16 Committee, Gary Petersen will be Chair. And Members
17 Migden and Laird will be on the Marketing and
18 Sustainability Committee.

19 So those committees will be established, and
20 the Members will start in February.

21 And I think with that announcement we'll go
22 to -- do we have any Program Directors' Reports? Or do
23 we want to just go directly to items?

24 EXECUTIVE DIRECTOR LEARY: I think we're
25 ready.

1 CHAIRPERSON BROWN: Ready to go to items?

2 Okay. Then that means -- who is doing rulemaking?

3 Ted? Elliot.

4 CHIEF COUNSEL BLOCK: Good morning. Actually,
5 I'm starting off; and then I probably will have some
6 help as we go along, unless you don't have any
7 questions.

8 CHAIRPERSON BROWN: No questions; just need a
9 little help, so thank you.

10 CHIEF COUNSEL BLOCK: I'm presenting here our
11 Annual Rulemaking Calendar. This is something we've
12 done -- oh, this might be about the tenth year now that
13 we've had to do this. I forget exactly when the
14 requirement came in.

15 And it's basically a requirement, both through
16 the Administrative Procedures Act and Executive Order,
17 that each agency lists the regulations they are
18 planning on adopting over the course of the next year.

19 The list is in Attachment 1 of your agenda
20 item, and it's been compiled from the various programs
21 at the Board; and it includes, as you will see, a
22 number of things that we think we might get to this
23 year, some things we're definitely going to get to this
24 year, and sort of sets out that framework, if you will.

25 Last year's calendar had 19 items. We had

1 five of those regulatory packages approved over the
2 last year. We're carrying 14 of them over, and we're
3 adding a couple, proposing to add a couple this year.
4 So there are 16 potential rulemaking packages on the
5 list.

6 A couple of important things about the
7 Rulemaking Calendar.

8 We are required to list the regulations we
9 hope to adopt during the year. In theory, the Office
10 of Administrative Law, when we submit a regulation
11 package for adoption -- after adopting it, checks that
12 list to make sure it's on the list.

13 However, we do have the ability to add new
14 packages if we need to, if something was not reasonably
15 anticipated at the beginning of the year. And we've
16 done that once or twice. And emergency regulations
17 don't need to be listed.

18 I thought I would just very briefly run
19 through some of the items on the list just to give you
20 an overview of what we're looking at for next year.
21 I'm going to do a very brief overview.

22 We do have staff here, so on any of these
23 items you don't have to wait till I'm done. If you
24 have any questions about the particular packages,
25 please feel free to ask; but I may be turning to

1 somebody else to give you more details.

2 So just -- and the list that we're going
3 though here on the overhead follows the order that's in
4 Attachment 1.

5 So the first one on that list, rigid plastic
6 packaging containers. This is a carryover from last
7 year. We didn't get to it. We're looking to revise
8 some key definitions and a number of other procedural
9 aspects of how that program works.

10 That is in the works. This is one that should
11 be happening this particular year as well. I think
12 we'll be done this year, hopefully.

13 Second one on the list is financial
14 assurances. As some of you are aware, this is an
15 ongoing project. This is Phase 2, as is noted, and
16 this is specifically related to long-term financial
17 assurance beyond 30 years and various aspects of that.

18 And we've had a number of workshops, including
19 one yesterday morning, was the most recent workshop on
20 that.

21 The third package on the list is waste tire
22 hauler and manifesting. This is the -- oh. This is --
23 they're actually the regulations you heard yesterday.
24 I'm trying to do this without reading my notes too
25 much, and I forgot that.

1 This is the regulation package you were
2 talking about yesterday at Permitting and Compliance,
3 so I won't -- it's Agenda Item 6 if, obviously, anybody
4 was not there and wanted to take a look at that.

5 Next item is a new one, disposal gas -- it's a
6 new one, but it's not really a new one. It's new to
7 the calendar. But the disposal site gas monitoring
8 compliance deadlines.

9 We did adopt emergency regulations to revise
10 the deadlines on those, and this is now on the calendar
11 because obviously we hope this year to turn those into
12 permanent regulations.

13 The next two regulatory packages on the list
14 we call placeholders. We don't at this point in time
15 know specifically what we're going to do. But we, over
16 time and potentially this year, may be doing some
17 revisions to both our permitting requirements.

18 And this particular one is actually as much to
19 do with -- we have permitting requirements both in
20 Title 14 and in Title 27, and one of the things we've
21 been looking at is doing some consolidation of those.
22 So that's what number 5 is.

23 Number 6, as through the strategic directives,
24 one of the aspects of some tasks that the Permitting
25 and Compliance Division is doing is taking a look at

1 our regulations and looking at State Minimum Standards
2 and any changes we might want to make. That's what
3 would go under number 6.

4 The seventh package, a couple years ago, the
5 statute was changed to allow for hearing officers in
6 addition. It used to be just hearing panels. This
7 came up last month when there was discussion about
8 Redwood Landfill because they were going to be using a
9 hearing officer.

10 And the statute change, we need to put in some
11 procedures for exactly how hearing officers get
12 appointed. There's been some requests for clarity on
13 those issues, so that's what we'd be talking about for
14 that item. It's fairly procedural.

15 What happens is we get a call from the LEA,
16 and they say how do we appoint a hearing officer? And
17 we don't actually have any procedures in place in the
18 regulations. So they fall back on some local
19 procedures, but we'd be looking at making statewide
20 ones.

21 CHAIRPERSON BROWN: I was going to ask you,
22 that's a local process and it's determined by the
23 locals. So why would we necessarily have to have the
24 procedures if each jurisdiction can choose their own
25 method, whether it's a panel or an officer? And

1 wouldn't they have them in place already anyway?

2 CHIEF COUNSEL BLOCK: Good question.

3 CHAIRPERSON BROWN: Or shouldn't they have
4 them in place?

5 CHIEF COUNSEL BLOCK: Yes, to the last thing
6 you said. I think some of them do; some of them don't.

7 And we were going to look at perhaps whether
8 there ought to be some consistency between counties on
9 those procedures.

10 CHAIRPERSON BROWN: Okay. So this is
11 basically just a placeholder until we determine whether
12 we need regulations or just a guidance document on how
13 to select or appoint a hearing officer?

14 CHIEF COUNSEL BLOCK: Correct.

15 CHAIRPERSON BROWN: Okay.

16 CHIEF COUNSEL BLOCK: And again, things like
17 this go on the list because we're hearing that from
18 LEAs that that's something that they might want to
19 have. So we put it on the list as something
20 potentially to do, but --

21 CHAIRPERSON BROWN: And my question only goes
22 to: Is it -- does it need to be in regulation, or can
23 we issue a guidance document --

24 CHIEF COUNSEL BLOCK: Right. And that's --

25 CHAIRPERSON BROWN: -- as opposed to having it

1 in regs?

2 CHIEF COUNSEL BLOCK: That's one of the things
3 we would look at.

4 It would depend -- the answer to that question
5 would depend on what we ultimately decide that we
6 thought needed to be done. If it was something more
7 formal that was necessary, we'd look at regulations.
8 If it was just more guidance on what local procedures
9 they could look to to do it, then that's something that
10 wouldn't need regulations.

11 CHAIRPERSON BROWN: Well, and my concern is
12 that I don't want to develop a requirement of
13 jurisdictions to do it a certain way by putting it in a
14 reg package and taking the authority away from them by
15 standardizing. But if we wanted it standardized, then
16 that's a different discussion. Okay.

17 CHIEF COUNSEL BLOCK: And that's something
18 we'd be looking at. Exactly.

19 CHAIRPERSON BROWN: Okay. Thank you, Elliot.

20 CHIEF COUNSEL BLOCK: No problem.

21 The next package, cleanup programs. And this
22 is, again, a placeholder at this point. But over the
23 last few years, in implementing both the Solid Waste
24 and the Farm and Ranch cleanup programs, they've come
25 across little things within those existing regulations

1 that they think need to be fine-tuned.

2 And it's really a question of continuing to
3 look at those issues when they rise to a level where
4 there are enough changes that would justify spending
5 the time to do a regulatory package. That's probably
6 when that will come forward, and it's potentially
7 happening this year.

8 But that's why -- this is a carryover from
9 last year. It just hadn't reached that threshold yet.

10 The next rulemaking package, compostable
11 materials handling. This is as mentioned on the slide.
12 This is a direct result of Strategic Directive 8.4
13 review. We're looking at potential changes to the
14 composting regulations. And that is something
15 that's -- we don't have the changes yet, but that's
16 geared up to actually happen this year, I think.

17 The next item is relatively new, but it comes
18 out of some experience over the last year. We have had
19 an existing item on the calendar just as a placeholder,
20 and it's starting to become less of a placeholder and a
21 little bit more specific now.

22 As you'll see on the bullets on the slide,
23 we're now specifically looking at changes to what the
24 Board might be able to do within the processing of
25 permits in terms of looking at terms and conditions and

1 timing and those sort of issues. So we're -- this
2 originally placeholder rulemaking package is now
3 potentially becoming much more specific.

4 Next package, landfill methane capture. Many
5 of you are familiar with all the, obviously, the AB 32
6 scoping plan and early action measure for landfill
7 methane capture. That's what this item is designed to
8 capture.

9 We have a newer item on the Rulemaking
10 Calendar for waste tire product storage. It's a
11 placeholder at the moment simply because staff is in
12 the process of doing the analysis.

13 And this relates to issues like stored product
14 on site, when can -- at what level does the processing
15 of waste tires on a site change them from waste tires
16 to product? And then how do they count, and how does
17 that -- what implications does it have for permitting
18 requirements?

19 So you'll be hearing more about that. There
20 will probably be some workshops this year on that. And
21 then depending on the outcome of that, it can lead to
22 some regulatory changes.

23 Oil recycling enhancement. This is also again
24 a placeholder similar to some of the other items we
25 talked about over the years in implementing that

1 program. It's been clear there are some tweaks that
2 need to be made to those regulations in terms of
3 process and the like. And as well, there have been
4 some legislative proposals on this. So this is on the
5 calendar in case we've got some changes we want to make
6 this year.

7 The next one, procedural rules for conducting
8 hearings. As some of you know, the Board in the last
9 couple of years -- which was not the case before -- has
10 been called upon to do two or three or four hearings a
11 year, when we used to have none, directly before the
12 Board rather than in front of an ALJ first. This
13 rulemaking package would be to help us establish some
14 more formal procedures for those.

15 And we're on the last page here. Thanks for
16 your patience.

17 Form 303, general placeholder item again. The
18 form 303 has been around for a long time. Staff is
19 looking at making this an online input type of form as
20 opposed to a paper form which it's been for a long
21 time.

22 Because the form 303 is actually in statute
23 and regulations -- we have some existing regulations --
24 if we want to make that change, we're going to have to
25 go and at least tweak the regulations a little bit

1 because it already is in place so -- and over time with
2 HHW, we have in fact revised these in the past where
3 we've added or subtracted material types, so that could
4 also be part of this.

5 CHAIRPERSON BROWN: When we add and subtract
6 material types, it has to go out for reg --

7 CHIEF COUNSEL BLOCK: The problem is, and this
8 is why you don't see this many times, if your -- if the
9 form is in regulations, it's considered a regulation.
10 So any substantive change we make to the form, we have
11 to go through the regulatory process.

12 CHAIRPERSON BROWN: Right. Well, we just did
13 it last year or the year before, so it should be fairly
14 simple to just put the form that we have electronic,
15 correct?

16 CHIEF COUNSEL BLOCK: The changes -- it would
17 be a fairly simple regulatory package.

18 CHAIRPERSON BROWN: Okay. So that one should
19 go.

20 CHIEF COUNSEL BLOCK: Yeah.

21 CHAIRPERSON BROWN: Should be fairly easy
22 to --

23 CHIEF COUNSEL BLOCK: Yes.

24 CHAIRPERSON BROWN: Okay.

25 CHIEF COUNSEL BLOCK: And last but not least,

1 e-waste recycling. Again, these regulations I think
2 were put in place. It's been two or three years, I
3 believe.

4 And over the course of the last couple years,
5 we've identified a number of things where we can make
6 those regulations better, both in terms of procedures
7 and also in terms of clarity. And that's what would be
8 part of this regulatory package.

9 And with that, that's a quick overview. If
10 you have any questions, we certainly have staff here to
11 answer questions about any of those packages. If not,
12 we'd been asking for you to adopt resolution.

13 CHAIRPERSON BROWN: 1.

14 CHIEF COUNSEL BLOCK: That's right. I got
15 number 1. 2009-1. So we can adopt this and send it on
16 to the Office of Administrative Law.

17 CHAIRPERSON BROWN: Thank you, Elliot. I
18 think we do have some questions.

19 Senator Kuehl?

20 COMMITTEE MEMBER KUEHL: Thank you, Madam
21 Chair.

22 I was trying to keep track as we went through,
23 but how many of these 16 items are we issuing the first
24 set of regulations about?

25 CHIEF COUNSEL BLOCK: That's a really good

1 question. I didn't actually count, but let me --

2 COMMITTEE MEMBER KUEHL: Because some of them
3 you said we're going to tweak. Some of them you said
4 are just a few years old and they probably need some
5 adjustment, but which --

6 CHIEF COUNSEL BLOCK: Taking a very quick
7 look.

8 COMMITTEE MEMBER KUEHL: Please.

9 CHIEF COUNSEL BLOCK: You can't hold me to
10 this completely, but I am seeing three out of the six
11 that would be completely new regulations as opposed to
12 revisions.

13 CHAIRPERSON BROWN: Three out of the 16.

14 CHIEF COUNSEL BLOCK: Three out of the 16; I'm
15 sorry. Well, actually two.

16 CHAIRPERSON BROWN: Which would be 2296.

17 CHIEF COUNSEL BLOCK: Actually, I was not
18 considering that new since we already have regulations,
19 although this would be new topics.

20 Waste tire product storage, which was the
21 twelfth one, is kind of a new topic. Although, again,
22 we do have some regulations on those.

23 And the procedural rules for conducting a
24 hearing. The Board doesn't have any of those.

25 All the other topics, we at least have some

1 regulations on the basic topic, even if we may be
2 adding a new topic to it.

3 COMMITTEE MEMBER KUEHL: Thank you, Madam
4 Chair.

5 CHAIRPERSON BROWN: Any other questions?

6 COMMITTEE MEMBER MULE: Madam Chair, I'd like
7 to move Resolution 2009-1.

8 COMMITTEE MEMBER LAIRD: Second.

9 CHAIRPERSON BROWN: It's been moved by Member
10 Mule and seconded by Member Laird. Kristen, can you
11 call the roll?

12 And I'd like to recognize that we have been
13 joined by Senator Migden right after the presentation
14 started, so she'll be here.

15 COMMITTEE MEMBER MIGDEN: Thank you, Madam
16 Chair.

17 EXECUTIVE ASSISTANT GARNER: Kuehl?

18 COMMITTEE MEMBER KUEHL: Aye.

19 EXECUTIVE ASSISTANT GARNER: Laird?

20 COMMITTEE MEMBER LAIRD: Aye.

21 EXECUTIVE ASSISTANT GARNER: Migden?

22 COMMITTEE MEMBER MIGDEN: Aye.

23 EXECUTIVE ASSISTANT GARNER: Mule?

24 COMMITTEE MEMBER MULE: Aye.

25 EXECUTIVE ASSISTANT GARNER: Petersen?

1 COMMITTEE MEMBER PETERSEN: Aye.

2 EXECUTIVE ASSISTANT GARNER: Brown?

3 CHAIRPERSON BROWN: Aye. Motion passes, and
4 we'll put that on Consent. Thank you, Elliot.

5 Okay. We'll move to our next agenda item.

6 Mark, you'll do the promotion?

7 EXECUTIVE DIRECTOR LEARY: Yes. Thank you,
8 Madam Chair; and good morning, Members.

9 I can't help but compliment. This is the
10 first time we've had a full complement of members in
11 quite some time; and without sounding too much like an
12 apple polisher, it looks pretty darn good from this
13 side.

14 (Laughter)

15 EXECUTIVE DIRECTOR LEARY: Agenda Item 10 is
16 Consideration of Allocation Proposals to be Funded From
17 The Integrated Waste Management Account For Fiscal Year
18 2008-09.

19 In this item, Members, we are seeking the
20 approval of the allocation of about \$480,000 from the
21 Integrated Waste Management account funds to support
22 three mission-critical efforts.

23 I'd like to offer a quick synopsis, and of
24 course I have program staff, executive staff, here to
25 help me support these proposals in detail. But before

1 I do, since this isn't an item that comes regularly --
2 or does come regularly, but not very often to the
3 Board, I'd like to offer a little bit of background for
4 how this process takes place.

5 Within the expired expenditure authority in
6 each budget year, we have some money available to us to
7 support staff activities and Board priorities, and we
8 as executive staff take the Board priorities to heart
9 in the strategic directives and seek to identify needs
10 within the organization for funding that supports the
11 Board's high priority activities.

12 In this case, we've identified three critical
13 draft proposals that we're offering to you for your
14 consideration. And what you do, should you buy into
15 our thinking that these are in fact priorities for the
16 organization, you will bless these allocation
17 proposals; and then we'll come back to you and -- come
18 back to you with a detailed scope of work and
19 ultimately some sort of contractor selection process
20 which you then will ultimately bless, and we'll go
21 forward with those additional tools that come to you
22 for your consideration and concurrence.

23 Of the -- we have three proposals -- any
24 questions about the process? Because I know this is
25 pretty straightforward.

1 CHAIRPERSON BROWN: And if there are, they
2 come up, we'll --

3 EXECUTIVE DIRECTOR LEARY: Absolutely.

4 I do want to emphasize the idea that these are
5 mission criticals, because as time passes we will have
6 further conversations about the state of the Integrated
7 Waste Management account and the declining revenues and
8 how that may potentially affect our program in the
9 coming years.

10 But for the time being, these I think are the
11 absolute best use of the money and speak to our highest
12 priorities.

13 The three proposals are allocation proposal
14 D-5 where we seek, through a contract, an environmental
15 education initiative professional fundraiser.

16 I think you all are pretty familiar with the
17 EEI program. It's truly a legacy program for the
18 Board. We're talking about creating a curriculum to
19 affect our children's thinking about the environment as
20 a fundamental tenet in their education.

21 The effort will impact kindergarten through
22 12th-graders statewide for many, many years into the
23 future. But given the size of the state and rolling
24 out the EEI curriculum to teachers in 1,059 school
25 districts, that will cost millions of dollars.

1 And we know it's not been your intention that
2 the state funds that millions of dollars that it will
3 cost to distribute, so we're going to rely on private
4 donors and through fundraising to support that
5 activity.

6 This item directly supports Strategic
7 Directive 11.4 that calls for us to secure at least
8 50 percent of the EEI funding from private entities,
9 and we're requesting \$200,000 to secure these services.

10 Allocating proposal -- let me pause there and
11 take questions, if there are any. And Mindy Fox who
12 leads our EEI program, of course, is here to follow up
13 with details.

14 COMMITTEE MEMBER MIGDEN: Madam Chair, if I
15 may?

16 CHAIRPERSON BROWN: Yes. Senator Migden has a
17 question.

18 COMMITTEE MEMBER MIGDEN: Hey, good morning.
19 How are you?

20 EXECUTIVE DIRECTOR LEARY: Good.

21 COMMITTEE MEMBER MIGDEN: Good. From what
22 sources? \$25 million is a hefty goal, certainly an
23 admirable one.

24 \$200,000. Is that for an office or an
25 individual? And then do we have anything in mind about

1 ways or a blueprint for securing 25 million; and if
2 somebody is going to bring in 25 million, we may pay
3 them more if they're able to?

4 I don't know how to gauge that.

5 EXECUTIVE DIRECTOR LEARY: Let me turn it over
6 to Mindy. But before I do, we've never lacked ambition
7 in the EEI program. This was a huge program to begin
8 with. The Board has built its resources for seven or
9 eight years. We now have a staff close to 20 working
10 on the EEI initiative and working with our counterparts
11 within Cal/EPA and the Resources Agency to effect this
12 curriculum.

13 It is truly a legacy, and a very strong, very
14 large program. But as you suggest --

15 COMMITTEE MEMBER MIGDEN: Which we were all
16 glad to vote for, I believe.

17 EXECUTIVE DIRECTOR LEARY: We need some
18 fundraising and Mindy can talk about how we're going to
19 approach that.

20 ASSISTANT DIRECTOR FOX: Good morning. For
21 the record, I'm Mindy Fox. I'm the Assistant Director
22 of the Office of Education and the Environment.

23 And that's a great question. It is a daunting
24 task due to the scope. But, as Mark said, we do not
25 lack ambition or faith. And I've networked and sought

1 advice from about ten professional fundraisers and
2 folks who have a lot of history in this arena.

3 I just met last week with a gentleman who
4 successfully raised 20 million to renovate the Stanford
5 mansion, and he called our efforts similar -- as
6 synonymous with a capital campaign.

7 And we actually are meeting on Thursday with a
8 woman who raises funds for Stanford and other such
9 institutions, and she's happy to volunteer her effort
10 and help craft a fundraising plan. And when asked, can
11 we raise 18 million in the next 18 months, she said not
12 a problem.

13 So we're now networked and hooked up with
14 folks who know how to do it, have history in
15 successfully doing it, and we need to shape a
16 leadership council, draft a fundraising plan, and get
17 on with it.

18 So I think it's possible.

19 CHAIRPERSON BROWN: And the answer to the
20 question is: The money is coming from private
21 foundations and endowments that are set up for this
22 type of a project, and it will be specified for the
23 dissemination of the information because most all of
24 the cost of producing it and getting it to the State
25 Board has been undertaken by the State.

1 But early on in our fundraising efforts and
2 looking across state government to diversify the funds
3 beyond just Cal/EPA and the Integrated Waste Management
4 Board, we continually heard that unless the State
5 continued and had a stake in it, we weren't going to be
6 able to get the foundation.

7 So I think the timing right now is such that
8 we are going to the State Board next year -- end of
9 this year -- and we've got the units in development,
10 they're all produced, and we're ready, we have a
11 product to show to these private foundations and
12 documents.

13 COMMITTEE MEMBER MIGDEN: This is an annual
14 fee?

15 CHAIRPERSON BROWN: This is a one-time
16 expenditure.

17 MS. FOX: No. One-time expenditure to get us
18 professional help.

19 And some of the individuals we've already
20 spoke with -- it was kind of new news to us -- they're
21 hooked up with individuals on top of networking and
22 relationships with corporations and foundations, and
23 there's already been individuals across the state
24 identified who have track records of donating to
25 certain causes. It could take one or two of them, if

1 we are successful, and we would have the kind of money
2 we need to get this into all the classrooms.

3 And as Chair Brown indicated, we have been
4 incredibly successful to date in obtaining State agency
5 funds, and we have enough funding to complete the
6 curriculum development, complete field and pilot
7 testing, and get the independent review panels all set
8 up, so everything is lined up to get us to State Board
9 of Education approval. So the --

10 COMMITTEE MEMBER MIGDEN: I think so. But I
11 think the Chair has gone out of her way to say that it
12 isn't the State funding piece that's in jeopardy. It's
13 the securing of new moneys from competitive sources.

14 And it's a daunting, as you said, amount of
15 money. So we'll be interested in the monitoring of the
16 progress, the success, of that venture.

17 CHAIRPERSON BROWN: Assemblyman Laird?

18 COMMITTEE MEMBER LAIRD: Yes, let me just ask
19 a similar question in a different way, because I read
20 the eight tasks that are set out in this if we approve
21 it. And what wasn't clear to me is who actually does
22 the asking? Who is doing the asking?

23 MS. FOX: I think it will be more than one
24 individual. After our Thursday meeting this week, I
25 think we will have an agreement that this particular

1 individual, who will offer her services for free, will
2 take the lead. And she intends to open doors and open
3 her roster --

4 COMMITTEE MEMBER LAIRD: But the point is --

5 MS. FOX: -- and then other folks, including
6 yourselves up here, depending on who we want to talk
7 to, will help with that asking.

8 And the 200,000 that I hope you allocate today
9 will be used to provide support staff to prepare the
10 materials, write the grants, that kind of thing.

11 COMMITTEE MEMBER LAIRD: Well, that's sort of
12 my point. The 200,000 prepares everything but doesn't
13 do any of the asking.

14 MS. FOX: Right. Exactly. I think a
15 multitude of people will help with that asking, all
16 determined by existing relationships.

17 Board Member Petersen is a prime example of
18 that. He can help with the asking with some of the
19 corporate leaders on the Environmental Media
20 Association board, that kind of thing. We need
21 professional help in identifying the right people to
22 ask.

23 COMMITTEE MEMBER LAIRD: I guess my concern
24 was, is we could expend the money and not realize
25 anything. And so I'm looking for benchmarks in trying

1 to know that we're really going to get results if we
2 approve this today.

3 And the thing about it is, I love it. I
4 appreciate the optimism, particularly given the
5 economic downturn, that we could do this.

6 But that's what I wanted to know, is how do we
7 have some assurance that we're making this commitment
8 and something's going to come back?

9 EXECUTIVE DIRECTOR LEARY: Let me suggest,
10 Member Laird, that I think what kind of detail that
11 we'll provide as part of the scope of work that
12 ultimately will come back to the Board for concurrence.
13 So you get a second bite of the apple in terms of
14 making sure that we construct this appropriately.

15 COMMITTEE MEMBER LAIRD: That's great. I just
16 want the concern to be heard and hopefully in some way
17 addressed. I appreciate that.

18 EXECUTIVE DIRECTOR LEARY: We will address
19 that in the scope of work.

20 CHAIRPERSON BROWN: Excellent point. Senator
21 Kuehl?

22 COMMITTEE MEMBER KUEHL: Thank you, Madam
23 Chair.

24 I have sort of the opposite point of view.
25 We've already expended significant resources developing

1 this curriculum, and it's extremely impressive, all the
2 way from kindergarten to 12th grade and fitting within
3 the frameworks, the various frameworks, that the State
4 Board has to approve. It's excellent work.

5 This is our way of making certain that that
6 doesn't just stop there but gets into the classroom.

7 And I also think that there are quite a few
8 different ways that moneys are raised, as many of us
9 here know. But in the foundation world, it's not only
10 who picks up the phone; it's really the quality of the
11 grant application and how it fits into those things
12 that the foundation sees as its mission or each
13 foundation see as its mission and role.

14 I actually think this has a very good chance
15 of success. And since we're all very interested in
16 fundraising, we'll be looking forward to checking up on
17 it as it goes along, I'm sure.

18 (Laughter)

19 CHAIRPERSON BROWN: And being part of one of
20 those teams that you're putting together, identifying
21 right people for the right foundation.

22 MS. FOX: Exactly.

23 CHAIRPERSON BROWN: Okay. If no other
24 questions?

25 EXECUTIVE DIRECTOR LEARY: Allocation proposal

1 2008-D7 speaks to a statewide program.

2 CHAIRPERSON BROWN: I was going to do them
3 separately since they're separate resolutions, if you
4 don't mind? Is that okay?

5 EXECUTIVE DIRECTOR LEARY: I'm happy to --

6 COMMITTEE MEMBER KUEHL: Madam Chair, I'd like
7 to move Resolution 2009-16.

8 COMMITTEE MEMBER MULE: Second.

9 CHAIRPERSON BROWN: It's been moved by Senator
10 Kuehl and seconded by Member Mule. Kristen, can you
11 call the role?

12 BOARD SECRETARY GARNER: Kuehl?

13 COMMITTEE MEMBER KUEHL: Aye.

14 BOARD SECRETARY GARNER: Laird?

15 BOARD MEMBER LAIRD: Aye.

16 BOARD SECRETARY GARNER: Migden?

17 COMMITTEE MEMBER MIGDEN: Aye.

18 BOARD SECRETARY GARNER: Mule?

19 COMMITTEE MEMBER MULE: Aye.

20 BOARD SECRETARY GARNER: Petersen?

21 COMMITTEE MEMBER PETERSEN: Aye.

22 BOARD SECRETARY GARNER: Brown?

23 CHAIRPERSON BROWN: Aye. Motion passes. And
24 that will go on fiscal consent -- or actually, it's not
25 yet. Is it? Elliot? Since we haven't even looked at

1 the scope of work, are we allocating the funds, fiscal
2 consent?

3 CHIEF COUNSEL BLOCK: You're allocating the
4 funds, so this is --

5 CHAIRPERSON BROWN: Okay.

6 CHIEF COUNSEL BLOCK: Fiscal consent.

7 CHAIRPERSON BROWN: Thank you. Sorry. Now
8 D7?

9 EXECUTIVE DIRECTOR LEARY: Allocation proposal
10 D7 speaks to a statewide programmatic Environmental
11 Impact Report for anaerobic digestion facilities
12 directly in support of Strategic Directive 6.1 which
13 calls for a reduction of 50 percent in the amount of
14 organics being disposed in landfills by year 2020.

15 This proposal section funds for a contractor
16 to provide information for the preparation and
17 circulation of a programmatic Environmental Impact
18 Report in compliance with CEQA to assist in siting new
19 and expansion of anaerobic digestive facilities
20 throughout the state.

21 The programmatic EIR will directly support and
22 reduce the need for duplicative review for site
23 specific environmental documentation that addresses
24 potentially significant impacts on individual facility
25 location, operation, and infrastructure.

1 It will dovetail nicely with current Board
2 projects such as climate change measure for anaerobic
3 digestion in an AB 32 scoping plan and the development
4 of Best Management Practices for organic facilities.

5 We are requesting \$250,000 in this allocation
6 proposal and Brenda, Howard, and Ted are all here to
7 answer any detailed questions you might have.

8 CHAIRPERSON BROWN: Thank you, Mark. We do
9 have a few speakers on this one. So why don't we have
10 the speakers, and then we can ask questions.

11 Our first speaker is George Eowan.

12 MR. EOWAN: Thank you. Good morning, Madam
13 Chair and Board Members. I'm George Eowan,
14 representing California Refuse Recycling Council which
15 is composed of about 100 waste management processing
16 collection companies in California.

17 This is a very important piece of work that
18 you're about to undertake, from our point of view. It
19 has -- on a technical level, it provides a lot of the
20 upfront work that local municipalities, jurisdictions
21 would have to undergo, and it would be duplicative from
22 jurisdiction to jurisdiction.

23 It will save us money. It will save
24 jurisdictions money. And so from a technical level, I
25 think it's very important. I met with your staff this

1 morning about this. And it also has the experience of
2 the California Energy Commission's work that they've
3 done in siting energy facilities.

4 These are a lot of times facilities that
5 people don't want, and it's typically because they
6 don't understand what they are, what the mitigation
7 measures would provide, what the environmental impacts
8 are. So I see this as, on a technical level, very,
9 very important.

10 Maybe even more importantly, on the leadership
11 level, I think it's important. Because it shows that
12 the Waste Board is involved in the next steps for
13 diverting material from landfill.

14 And that's very, very important to us because
15 when we're going out into communities trying to develop
16 these kinds of facilities, a lot times we feel like the
17 lone rangers. We need your support in this to kind of
18 raise the confidence level that these kinds of
19 technologies are out there, they're operating.

20 I'm working with a company that has an
21 existing facility operating in the city of Toronto,
22 Canada. They've had a tremendous amount of success,
23 and they're in process now building a second facility
24 there. We see this as probably the number one
25 conversion technology, if you will, going forward in

1 the next few years.

2 So it's very important that the Waste Board
3 kind of lead, participate in leading that charge. So
4 any help that we can provide in that area, we're happy
5 to provide on an industry level.

6 I just wanted to ask one question on the --
7 sort of the technical direction that this is going and
8 to make sure that you're not including bioreactors here
9 on this and that you are just looking at facilities
10 that would go in existing solid waste facilities and
11 in-vessel type technologies.

12 So I'm not sure it clarifies that in this or
13 not, but we're hoping that it doesn't include the
14 bioreactor. Maybe that's for another day. But this
15 one, I think, needs to go forward on that, so.

16 CHAIRPERSON BROWN: Don't we already have info
17 on bioreactors? I know -- that goes to the staff, that
18 question.

19 PROGRAM DIRECTOR LEVENSON: Depends exactly
20 what George means, and we'll need to have -- I should
21 identify myself for the record.

22 CHAIRPERSON BROWN: Howard Levenson.

23 PROGRAM DIRECTOR LEVENSON: Howard Levenson
24 for the Sustainability Program.

25 But I think we'll need to sit down and talk

1 with George to determine exactly what he needs -- means
2 as we develop the scope of work for this, the two
3 programs working collaboratively.

4 We have bioreactor landfills for which there
5 are Subtitle D regulations, and this certainly would
6 not apply to those situations.

7 CHAIRPERSON BROWN: Yes. Okay.

8 DEPUTY DIRECTOR RAUH: This is Ted Rauh with
9 Waste Compliance and Mitigation.

10 With respect to the specific types of
11 technology, certainly anaerobic digestion is what we're
12 talking about. We have a lot of interest from the
13 academic community to join with us and industry in
14 being very clear about what will be considered with
15 respect to both the technology and the environmental
16 impacts, so there will be plenty of opportunity for
17 industry to participate with us as we move through this
18 process.

19 CHAIRPERSON BROWN: Okay. Thank you.

20 MR. EOWAN: Thank you very much.

21 CHAIRPERSON BROWN: Thanks George. Our next
22 speaker, George Larson.

23 MR. LARSON: That was a tall George. I have
24 to pull that down. My name is George Larson. I'm here
25 representing myself and a group of individuals who are

1 forming a new company to develop anaerobic digestion of
2 food waste through AD technology.

3 I know as the Board has set new higher
4 standards and broadened the range of activities that
5 you're encouraging in order to divert more materials
6 from land disposal that conversion technologies, and
7 specifically anaerobic digestion, has become a priority
8 technology that you have supported.

9 I think this becomes particularly important,
10 as we have witnessed recently, the -- if not collapse,
11 the chaos in the traditional recycling markets where it
12 would help to float all the boats, if you will, if
13 there are a variety of end uses and management
14 techniques that can be used for the same materials.

15 In this case, I'm specifically talking about
16 food waste which I think has great opportunities for
17 additional diversion.

18 I won't belabor this, but I think just the
19 fact that there are numerous speakers on this issue
20 which is just a contract for consideration lends
21 credence to the fact that it's very important to a lot
22 of people. And I strongly encourage and support
23 approval of this effort.

24 Thank you.

25 CHAIRPERSON BROWN: Thank you, George. Evan

1 Edgar.

2 MR. EDGAR: Chair and Board Members, I'm Evan
3 Edgar, engineer for the California Refuse Recycling
4 Council. I'm here for the next contract concept for
5 the San Joaquin Valley APCD study. Has that been
6 discussed? Should I mention it now?

7 Okay. The next contract concept is -- we
8 support that. We represent many compost facilities in
9 the San Joaquin Valley, and with the leadership of the
10 Waste Board and Waste Board members and staff, the
11 Waste Board's able to intervene with San Juan Valley
12 APCD.

13 Senator Chesbro even went to Fresno one time.
14 And staff has been involved, and the San Joaquin Valley
15 APCD delayed their rule by 18 months in order to have
16 the good science which we need in order to have compost
17 facilities in the Valley.

18 And what starts in the Valley will roll over
19 statewide, so it's very important to have a good study
20 in San Joaquin so the South Coast and Bay Area would
21 not adopt similar rules until there's good science in
22 place.

23 We support the study. Thank you.

24 CHAIRPERSON BROWN: Thanks Evan. And we'll
25 hold that thought for the next contract concept.

1 Nick Lapis.

2 MR. LAPIS: Good morning Chair and Board
3 Members. My name is Nick Lapis. I'm with the
4 environmental group Californians Against Waste. I'm
5 really speaking on both contract proposals, this one
6 and the next one as well.

7 As far as the AD program-wide EIR, I think
8 it's a very good step forward. It shows the type of
9 leadership that this agency can take and really be
10 proactive on technology that has a lot of potential but
11 needs help and needs help through the permitting
12 process.

13 And things like program-wide EIRs are really a
14 good step forward. We strongly support that and
15 encourage you to adopt it.

16 On the second contract allocation, the San
17 Joaquin study, again I think it's a very good step
18 forward. If you guys aren't aware, the genesis of that
19 study was the fact that the rule process that was
20 happening in the San Joaquin Air District really had
21 some mitigation measures that didn't have any
22 quantifiable benefits.

23 The mitigation measures were -- included
24 putting dirt on compost piles which, as anybody who's
25 composted at home knows, will not help the compost pile

1 nor will it help any emissions.

2 And it was really the leadership of the Waste
3 Board staff, especially Howard, Brenda, and their team
4 including Bob who's sitting behind us, who helped push
5 for the San Joaquin Air District to study this issue.
6 And they said they would commit the Waste Board's money
7 as well, and this is really following through on that,
8 and I'd like to commend the staff.

9 Thank you.

10 CHAIRPERSON BROWN: Thank you, Nick, very much
11 for that input.

12 Do we have any questions of staff for our
13 speakers? Yeah, I think -- thank you for bringing
14 these forward, for following through.

15 I think that with our focus on AB 32 and AB 32
16 implementation, assisting local governments in getting
17 the EIR -- program EIR is going to help especially our
18 northern districts, smaller rural jurisdictions.

19 Because at least the AD can be sized
20 appropriately for that jurisdiction to handle their
21 organics, and with our Strategic Directive on reduction
22 of organics, this will be huge especially for the north
23 state.

24 I know the southern California area handles
25 their organics differently, and proximity and distance

1 is different down there. But at least in the northern
2 part of the state, we can get some of these
3 technologies in place. So with that --

4 COMMITTEE MEMBER MULE: Madam Chair, I'd like
5 to move Resolution 2009-17.

6 COMMITTEE MEMBER KUEHL: Second.

7 CHAIRPERSON BROWN: It's been moved by Member
8 Mule and seconded by Member Kuehl. Kristen, can you
9 call the roll?

10 EXECUTIVE ASSISTANT GARNER: Kuehl?

11 COMMITTEE MEMBER KUEHL: Aye.

12 BOARD SECRETARY GARNER: Laird?

13 COMMITTEE MEMBER LAIRD: Aye.

14 BOARD SECRETARY GARNER: Migden?

15 COMMITTEE MEMBER MIGDEN: Aye.

16 BOARD SECRETARY GARNER: Mule?

17 COMMITTEE MEMBER MULE: Aye.

18 BOARD SECRETARY GARNER: Petersen?

19 COMMITTEE MEMBER PETERSEN: Aye.

20 BOARD SECRETARY GARNER: Brown?

21 CHAIRPERSON BROWN: Aye.

22 We have one more? Since we've already spoken,
23 Mark, do you want to do a presentation on the San
24 Joaquin Valley or?

25 EXECUTIVE DIRECTOR LEARY: I think Nick and

1 Evan have introduced the item nicely.

2 CHAIRPERSON BROWN: I was pretty comfortable
3 with their presentation myself.

4 (Laughter)

5 EXECUTIVE DIRECTOR LEARY: Next thing, they'll
6 be looking for a contract themselves for a new
7 presentation so be careful.

8 (Laughter)

9 COMMITTEE MEMBER LAIRD: They're going be
10 furloughed.

11 EXECUTIVE DIRECTOR LEARY: Allocation Item D9
12 is about -- speaking to that correlation between
13 compost pile temperature moisture content and air
14 emissions as has been generated by so much interest in
15 the San Joaquin Valley, particularly by the San Joaquin
16 AQMD, and their interest in managing emissions from
17 compost operations.

18 We think this supports the development of hard
19 science that makes rulemaking much more real-world and
20 much more appropriate with hard science, so we're
21 requesting an allocation of \$30,000 to support our
22 efforts in that regard.

23 CHAIRPERSON BROWN: Howard, they came to our
24 first organics roadmap dialogue, and that was our first
25 contact with them before the rulemaking process, right?

1 PROGRAM DIRECTOR LEVENSON: Oh, a year ago.

2 CHAIRPERSON BROWN: Yes.

3 PROGRAM DIRECTOR LEVENSON: Yeah. And we've
4 been involved with them, particularly Bob Horowitz has
5 been interacting with the district staff and has done
6 yeoman's work in trying to identify the facilities that
7 are affected.

8 And there are dozens of facilities in the
9 district, and this is really a very significant
10 rulemaking, as I think Evan suggested and Nick. This
11 will have impact statewide.

12 So if we do this right, we will be way ahead
13 of the game in getting a rulemaking that we can all
14 live with that reflects hard science.

15 CHAIRPERSON BROWN: Great. Thank you. Okay.
16 Motion?

17 COMMITTEE MEMBER KUEHL: I'll move Resolution
18 2009-18.

19 COMMITTEE MEMBER MULE: Second.

20 COMMITTEE MEMBER MIGDEN: Second.

21 CHAIRPERSON BROWN: It's been moved by Member
22 Kuehl and seconded by Members Mule and Migden.

23 Kristen, can you call the roll?

24 BOARD SECRETARY GARNER: Kuehl?

25 COMMITTEE MEMBER KUEHL: Aye.

1 BOARD SECRETARY GARNER: Laird?

2 COMMITTEE MEMBER LAIRD: Aye.

3 BOARD SECRETARY GARNER: Migden?

4 COMMITTEE MEMBER MIGDEN: Aye.

5 BOARD SECRETARY GARNER: Mule?

6 COMMITTEE MEMBER MULE: Aye.

7 BOARD SECRETARY GARNER: Petersen?

8 COMMITTEE MEMBER PETERSEN: Aye.

9 BOARD SECRETARY GARNER: Brown?

10 CHAIRPERSON BROWN: Aye. Motion passes, and
11 both of those will also go on fiscal consent.

12 And that concludes our meeting. Thank you all
13 for coming. See you all tomorrow.

14 * * *

15 (Thereupon the CALIFORNIA INTEGRATED
16 WASTE MANAGEMENT BOARD STRATEGIC POLICY
17 DEVELOPMENT COMMITTEE meeting adjourned
18 at 10:51 a.m.)

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1 CERTIFICATE OF REPORTER

2 I, LINDA KAY RIGEL, a Certified Shorthand
3 Reporter of the State of California, do hereby certify:

4 That I am a disinterested person herein; that
5 the foregoing CALIFORNIA INTEGRATED WASTE MANAGEMENT
6 BOARD STRATEGIC POLICY DEVELOPMENT COMMITTEE meeting
7 was reported in shorthand by me, Linda Kay Rigel, a
8 Certified Shorthand Reporter of the State of
9 California, and thereafter transcribed into
10 typewriting.

11 I further certify that I am not of counsel or
12 attorney for any of the parties to said meeting nor in
13 any way interested in the outcome of said meeting.

14 IN WITNESS WHEREOF, I have hereunto set my
15 hand this January 23, 2009.

16

17

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19

20 LINDA KAY RIGEL, CSR
21 Certified Shorthand Reporter
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